

CLOSED

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:14-mj-00715-SMG All Defendants**

Case title: USA v. Morgan

Date Filed: 08/04/2014

Date Terminated: 08/06/2014

Assigned to: Chief Mag. Judge Steven M.
Gold

Defendant (1)

Donald Ray Morgan

TERMINATED: 08/06/2014

represented by **Peter Kirchheimer**

Federal Defenders of New York, Inc.

One Pierrepont Plaza, 16th Floor

Brooklyn, NY 11201

(718) 330-1200

Fax: (718) 855-0760

Email: Peter_Kirchheimer@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Public Defender or

Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Nadia Elizabeth Moore**

U.S. Attorney's Office

271 Cadman Plaza East
 Brooklyn, NY 11201
 718-254-6362
 Fax: 718-254-6076
 Email: nadia.moore@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Government Attorney

Date Filed	#	Page	Docket Text
08/04/2014	<u>1</u>	3	RULE 40 AFFIDAVIT / removal to the Middle District of North Carolina by USA as to Donald Ray Morgan (Yuen, Sui-May) (Entered: 08/05/2014)
08/04/2014	<u>2</u>	11	Minute Entry for proceedings held before Chief Mag. Judge Steven M. Gold:Initial Appearance in Rule 5(c)(3) Proceedings as to Donald Ray Morgan held on 8/4/2014, Attorney Appointment of federal defender Peter Kirchheimer for the defendant present. AUSA Nadia Moore present. Defendant arraigned on a removal complaint to the MD of NC. Temporary Order of detention entered.Bail hearing set 8/6 at 2pm.(Tape #3;42-3;59, 4;44-4;48.) (Yuen, Sui-May) (Entered: 08/05/2014)
08/04/2014	<u>3</u>	12	TEMPORARY COMMITMENT Issued as to Donald Ray Morgan (Yuen, Sui-May) (Entered: 08/05/2014)
08/06/2014	<u>4</u>	13	Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Removal hearing and Detention Hearing as to Donald Ray Morgan held on 8/6/2014 (Tape #2;58-4;57.) AUSA Nadia Moore present. Defendant present w/ counsel Peter Kirchheimer. Special Agen JL Pickford sworn and testified. Court finds defendant before the court is the person wanted in MD of NC. Defense counsel renewed application for bail. Gov't opposed on dangerous ground. Court denied bail application. Commitment order to MD of North Carolina entered. Defendant waived identity hearing. (Yuen, Sui-May) Modified on 8/8/2014 (Yuen, Sui-May). (Entered: 08/08/2014)
08/06/2014	<u>5</u>	14	COMMITMENT TO ANOTHER DISTRICT as to Donald Ray Morgan. Defendant committed to District of Middle District of North Carolina.. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 8/6/2014. (Yuen, Sui-May) (Entered: 08/08/2014)

JAP:NEM

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

14-715 M

UNITED STATES OF AMERICA

- against -

DONALD RAY MORGAN,

Defendant.

AFFIDAVIT IN SUPPORT
OF REMOVAL TO THE
MIDDLE DISTRICT OF
NORTH CAROLINA
(Fed. R. Crim. P. 5(c))

----- X

EASTERN DISTRICT OF NEW YORK, SS:

J. L. PICKFORD, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, on or about May 28, 2014, an arrest warrant was issued by the United States District Court for the Middle District of North Carolina, charging the defendant DONALD RAY MORGAN with possessing a firearm after having been convicted of a crime punishable by imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

The source of your deponent's information and the grounds for his belief are as follows:

1. On or about May 27, 2014, a grand jury sitting in the Middle District of North Carolina returned a one-count indictment charging the defendant DONALD RAY MORGAN with possessing a firearm after having been convicted of a crime punishable by

imprisonment for a term exceeding one year, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2). A true and correct copy of the indictment is attached hereto as Exhibit A.

2. The next day, an arrest warrant commanding the arrest of the defendant DONALD RAY MORGAN was issued by the United States District Court for the Middle District of North Carolina. A true and correct copy of the arrest warrant is attached hereto as Exhibit B.

3. The defendant flew into John F. Kennedy International Airport on August 2, 2014 on Delta Flight 107 from Frankfurt, Germany. Upon arrival, the defendant presented a passport in the name DONALD RAY MORGAN. I was in possession of a copy of a photo of MORGAN from the North Carolina Department of Motor Vehicles. The photograph matched the defendant. I also possessed pedigree information associated with the underlying Middle District of North Carolina offenses. The defendant stated in substance and in part that he was Donald Ray Morgan, and provided his date of birth, social security number former address and former telephone number. All of this information matched the pedigree information I had for MORGAN.

4. It is the desire of the United States Attorney for the Middle District of North Carolina that the defendant be removed to that district pursuant to the outstanding arrest warrant.

WHEREFORE, your deponent respectfully requests that the defendant DONALD RAY MORGAN be removed to the Middle District of North Carolina to be dealt with according to law.

S/ J L Pickford

J. L. PICKFORD
Special Agent
Federal Bureau of Investigation

Sworn to before me this
4th day of August, 2014

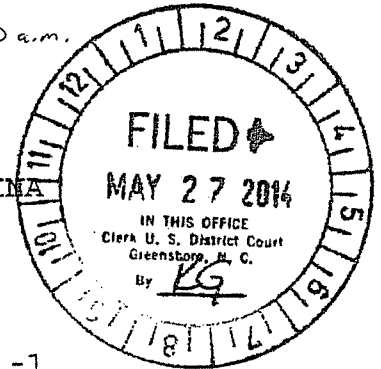
S/ Steven Gold

THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

EXHIBIT A

Unsealed per Mag. Judge Auld on 8/4/14, at 10:10 a.m.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA

v.

DONALD RAY MORGAN

1:14CR194 -1

The Grand Jury charges:

In or about January, 2012, the exact date to the Grand Jurors unknown, in the County of Rowan, in the Middle District of North Carolina, DONALD RAY MORGAN, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in commerce and affecting commerce a firearm, that is, a Norinco 7.62 x 39mm rifle; in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

A TRUE BILL:



Graham T. Green by KSG
GRAHAM T. GREEN
ASSISTANT UNITED STATES ATTORNEY

Ripley Rand
RIPLEY RAND
UNITED STATES ATTORNEY

EXHIBIT B

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America)

v.)

DONALD RAY MORGAN) Case No. 1:14CR194-1*Defendant*)**ARREST WARRANT**

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) DONALD RAY MORGAN,

who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment
 ☐ Superseding Indictment
 Information
 Superseding Information
 Complaint
☐ Probation Violation Petition
 Supervised Release Violation Petition
 Violation Notice
 Order of the Court

This offense is briefly described as follows:

Felon in possession of a firearm in violation of 18:922(g)(1) and 924(a)(2)

***** Indictment Sealed Pending Arrest of Defendant **********The U.S. Attorney requests a detention hearing*****Date: May 28, 2014

John S. Brubaker, Clerk

*Issuing officer's signature*City and state: Greensboro, North Carolina

/s/ Carol Butler, Deputy Clerk

*Printed name and title***Return**This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

**This second page contains personal identifiers provided for law-enforcement use only
and therefore should not be filed in court with the executed warrant unless under seal.**

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (*name, relation, address, phone number*): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: _____

Name and telephone numbers (office and cell) of pretrial services or probation officer (*if applicable*): _____

Date of last contact with pretrial services or probation officer (*if applicable*): _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

INITIAL APPEARANCE CALENDAR

- 1) Magistrate Case Number: 14 M 710
- 2) Defendant's Name: Morgan Donald Ray
(Last) (First) (M.I.)
- 3) Age: _____
- 4) Title: _____ Section(s): _____
- 5) Citizen of: _____ Needs: _____ Interpreter _____
- 6) Arrest Warrant Issued: _____ Date and time of arrest: _____

(Items 1-6 to be completed by AUSA/Arresting Officer)

- 7) Removal Proceeding: ☒ Yes ☐ No Other District: Middle District of North Carolina
- 8) Name of Interpreter used today: _____ Language: _____
- 9) Arraignment on complaint held: ☒ Yes ☐ No Date/Time: 8/4/14
- 10) Detention Hearing Held: _____ Bail set at: _____ ROR Entered: _____ POD Entered: _____
- 11) Temporary Order of Detention Entered: ☒ Bail Hearing set for: 8/6/14 @ 2:00 PM
- 12) (a) Preliminary Hearing set for: _____; or waived: _____
(b) Removal Hearing set for: _____; or waived: _____
(c) Status Conference set for: _____
- 13) ASSISTANT U.S. ATTORNEY: Nadia Moore
- 14) DEFENSE COUNSEL'S NAME: Peter Kirchheimer
Address: _____
Bar Code: _____ CJA: _____ FDNY: ☒ RET: _____
Telephone Number: () _____
- 15) LOG #: 3:42-3:59 MAG. JUDGE: Steven M Gold
4:44-4:48
- 16) _____ Defendant was advised of bond conditions by the Court and signed the bond.
_____ Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.
_____ Additional surety (ies) to co-sign bond by _____

Other Comments/Rulings: _____

- 17) Complaint/Affidavit/Indictment unsealed: ☐ Yes ☐ No

SO ORDERED ON THIS _____ DAY OF _____, 20__

UNITED STATES MAGISTRATE JUDGE

United States District Court

EASTERN

DISTRICT OF

NEW YORK

UNITED STATES OF AMERICA

V.

ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT

Donald Ray Morgan
Defendant

Case Number:

14-715M

Upon motion of the dff, it is ORDERED that a

detention hearing is set for

8/6

* at

2:00

Date

Time

before

MJ Reyes
Name of Judicial Officer

BROOKLYN, NEW YORK

Location of Judicial Officer

Pending this hearing, the defendant shall be held in custody by (the United States marshal) (

P
Other Custodial Official

) and produced for the hearing.

S/ Steven Gold

8-4-14
Date

[Signature]
Judicial Officer

*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. §3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

CALENDAR : MAGISTRATE'S PROCEEDING**BEFORE MAG. JUDGE** Ramon E. Reyes Jr. **DATE :** 8/6/14**DOCKET NUMBER:** 14-715M **LOG #:** 2:58-4:57**DEFENDANT'S NAME :** Donald Morgan
☒ Present ☐ Not Present ☒ Custody ☐ Bail**DEFENSE COUNSEL :** Peter Kirchheimer
☒ Federal Defender ☐ CJA ☐ Retained**A.U.S.A.:** Nadia Moore **DEPUTY CLERK :** Felix Chin**INTERPRETER :** _____ **(Language)** _____Detention Hearing held. _____ Hearing adjourned to _____

_____ Defendant was released on _____ PRB with/without some conditions.

_____ Defendant was advised of bond conditions by the Court and signed the bond.

_____ Surety (ies) were sworn and advised of bond obligations by the Court and signed the bond.

_____ Additional surety (ies) to co-signed bond by _____

_____ At this time, defense counsel states on the record that the defendant does not have a bail application / package. **Order of detention** entered with leave to reapply to a Magistrate or to the District Court Judge to whom the case will be assigned.

_____ Order of Excludable Delay entered. Code Type _____ Start _____ Stop _____

_____ Order of Speedy Trial entered. Code Type _____ Start _____ Stop _____

_____ Defendant's first appearance. _____ Defendant arraigned on the indictment.

_____ Attorney Appointment of _____ FEDERAL DEFENDER _____ CJA

_____ Defendant entered **NOT GUILTY PLEA** to **ALL** counts of the indictment.

_____ Status conference set for _____ @ _____ before Judge _____

OTHERS : Spec Agent J. L. Pickford sworn and gave testimony.
Defse counsel renewed his application for bail; govt opposed on
dangerous; court denied application. Commitment to another
district order entered. Removal hearing waived.

AO 94 (Rev. 8/97) Commitment to Another District

UNITED STATES DISTRICT COURT

EASTERN

District of

NEW YORK

UNITED STATES OF AMERICA

V.

COMMITMENT TO ANOTHER
DISTRICT

Donald Ray Morgan

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

14CR194

14-715M

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment ☐ Information ☐ Complaint ☐ Other (specify)

charging a violation of

18 U.S.C. § 922

DISTRICT OF OFFENSE

Middle District of North Carolina

DESCRIPTION OF CHARGES:

Felon in possession of a firearm

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
- ☐ Government moved for detention and defendant detained after hearing in District of Arrest
- ☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☐ Other (specify) _____

Representation:

☐ Retained Own Counsel☒ Federal Defender Organization☐ CJA Attorney☐ None

Interpreter Required?

☒ No☐ Yes

Language: _____

DISTRICT OF NEW YORK

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

8/6/14
Date

S/ Ramon Reyes, Jr.

United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL